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Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 384 (Sub-No. 2X)

**DELTA SOUTHERN RAILROAD, INC.
--ABANDONMENT EXEMPTION--
IN EAST CARROLL PARISH, LA**

**PETITION OF LAKE PROVIDENCE PORT COMMISSION
TO TOLL PERIOD FOR SUBMITTING OFFER OF FINANCIAL ASSISTANCE**

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Attorneys for Lake Providence Port
Commission

Dated: December 22, 2010
{P0110642}

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 384 (Sub-No. 2X)

**DELTA SOUTHERN RAILROAD, INC.
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**PETITION OF LAKE PROVIDENCE PORT COMMISSION
TO TOLL PERIOD FOR SUBMITTING OFFER OF FINANCIAL ASSISTANCE**

Lake Providence Port Commission, a governmental agency created by Act 450 (R.S. 1501 et seq.) of the 1958 regular session of the Louisiana Legislature (the "Port Commission"), hereby petitions the Board pursuant to 49 CFR 1152.27(c)(2)(ii)(C) to toll the 30 day period for submitting an offer of financial assistance, and in support thereof states as follows:

Request for Information

On November 9, 2010, Delta Southern Railroad, Inc. ("DSR") filed a notice of exemption in this proceeding seeking authority to abandon the line of railroad between milepost 463.0 near Shelburn and milepost 471.0, approximately one mile south of Lake Providence in East Carroll Parish, Louisiana (the "Subject Line"). The Board issued its notice served November 29, 2010. By letter dated December 7, 2010, the Port Commission requested information from DSR necessary for the preparation of an offer of financial assistance, and on December 8, 2010, the Port Commission filed with the Board a notice of its intent to make an offer of financial assistance to purchase the

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Subject Line. A copy of the notice of intent, which includes a copy of the request for information, is attached hereto as Exhibit A.

To-date, DRS has not provided any information in response to the Port Commission's request for information. On Monday, December 20, 2010, counsel for DRS indicated that the information was still being gathered, and that it would not be available until at least next week.

Under the current procedural schedule, unless extended, offers of financial assistance would need to be submitted by December 29, 2010. An OFA to acquire a line for continued rail service need not be detailed, but an offeror must show that the offer is reasonable. *See Arizona & California Railroad Company Abandonment Exemption – In San Bernardino and Riverside Counties, CA*, STB Docket No. AB-1022 (Sub-No. 1X) (served July 29, 2009); *East Penn Railroad, LLC – Abandonment Exemption – In Berks and Montgomery Counties, PA*, STB Docket No. AB-1020X (served December 2, 2008). Without the requested information from DSR, the Port Commission will not have the necessary information to calculate net liquidation value or to explain why its offer differs from DRS's estimate.

Relief Requested

The Port Commission requests that DSR be directed to provide the requested information, and that the Board toll the 30 day period for submitting an OFA. The Port Commission requests that the time for filing an OFA be tolled until 10 business days (2 weeks) after DSR provides all of the

requested information. The Port Commission believes that DSR is agreeable to the procedural schedule proposed.

Respectfully submitted,



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ehocky@thorpreed.com

Attorneys for Lake Providence Port
Commission

Dated: December 22, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing document was served on the following person by e-mail:

Thomas F. McFarland
208 South LaSalle Street
Suite 1890
Chicago, IL 60604-1112
mcfarland@aol.com



Eric M. Hocky

Dated: December 22, 2010

EXHIBIT A

{P0110642}



Eric M. Hocky
Direct Dial 215 640 8523
Email ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA ELECTRONIC FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

December 8, 2010

Re: Delta Southern Railroad, Inc. –
Abandonment Exemption – in East Carroll Parish, LA
STB Docket No. AB-384 (Sub-No. 2 X)
Notice of Intent to Make Offer of Financial Assistance

Dear Ms. Brown:

Please be advised that Lake Providence Port Commission ("Offeror") has a potential interest in providing financial assistance in the form of the purchase of the interest of Delta Southern Railroad, Inc. ("DSR") in the line described in the above-referenced proceeding. The line would be operated by Offeror or a contract operator. This letter shall serve as the formal expression of intent to file an offer of financial assistance pursuant to 49 C.F.R. §1152.27(c)(2).

By letter dated December 7, 2010, a copy of which is enclosed herewith, Offeror requested that DSR, pursuant to 49 C.F.R. §1152.27(a), provide it with necessary information to enable it to determine whether to make an offer of financial assistance, and, if so, what that offer should be.

The filing of this notice will, pursuant to 49 C.F.R. §1152.27(c)(2), automatically stay the effective date of the decision granting the exemption for 40 days (i.e., until January 7, 2011). Please notify the undersigned if this is incorrect.

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorp Reed & Armstrong, LLP
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2005 Market Street
Suite 1000
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215 640 8500
215 640 8501 Fax

(01188765) (STB filing)



Cynthia T. Brown
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December 8, 2010

A copy of this letter is being forwarded to DSR's representative in this proceeding to provide DSR with formal notice of Offeror's intent to file an offer of financial assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Hocky".

Eric M. Hocky

*Counsel for Lake Providence Port
Commission*

EMH/e

Enclosure

cc (via email):

Thomas F. McFarland, Esq.
Wyly Gilfoil



Eric M. Hocky
Direct Dial 215 640 8523
Email: ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA E-MAIL

Thomas F. McFarland
208 South LaSalle Street
Suite 1890
Chicago, IL 60604-1112

December 7, 2010

Re: Delta Southern Railroad, Inc. –
Abandonment Exemption – in East Carroll Parish, LA
STB Docket No. AB-384 (Sub-No. 2 X)

Dear Tom:

Please be advised that Lake Providence Port Commission ("Offeror") is considering making an offer of financial assistance to acquire the line described in the above-referenced proceeding.

Pursuant to 49 C.F.R. §1152.27(a), Delta Southern Railroad, Inc. ("DSR") is requested promptly to provide the undersigned with the following information:

1. Minimum purchase price.
2. DSR's most recent reports on the physical condition of the involved line.
3. A description of any rail, crossings or crossing structures that have been removed, and any estimates of the cost of rebuilding or re-installing such rail or structure(s).
4. Traffic, revenue and other data, including DSR's estimate of the net liquidation value of its interest in the line and supporting data reflecting available real estate appraisals, assessments as to the quality and quantity of track materials in the line, and removal cost estimates (including the cost of transporting removed materials to point of sale or point of storage for relay use). Such data should also include a description of the nature of the title to the real estate involved, including disclosure of all revisionary interests.
5. Copies of any and all environmental audits of the real estate involved, and a description of (a) all sites under investigation by, or being remediated under the supervision of the U.S. Environmental Protection Agency or the Louisiana Department of Environmental Quality, (b) all known potential environmental liabilities arising out of conditions on the property, (c) all releases of hazardous materials on or about the property, and (d) a history of all customers and industrial users along the line.

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215 640 8500
215 640 8501 Fax

(0189801)(request for info)

Thomas F. McFarland
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December 7, 2010

6. Offeror and its advisors may wish to inspect the line and property. Please let us know who we should contact to make arrangements for access to the property.

Your prompt attention is appreciated.

Sincerely,



Eric M. Hocky

*Counsel for Lake Providence Port
Commission*

EMH/e

cc (via email):
Wyly Gilfoil